

85th Legislative Session – 2010

Committee: House State Affairs

Wednesday, February 10, 2010

P - Present
E - Excused
A - Absent

Roll Call

P Boomgarden
P Engels
P Feinstein
P Gosch
P Hunhoff (Bernie)
P Lucas
P Lust
P Rausch
P Rave
P Steele
P Turbiville
P Noem, Vice-Chair
P Faehn, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chairman Faehn.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 3, 2010.

Moved by: Turbiville
Second by: Rave
Action: Prevailed by voice vote.

HB 1055: revise certain provisions regarding the appointment of members to the Game, Fish and Parks Commission.

MOTION: REMOVE HB 1055 FROM THE TABLE

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch, Rave, Turbiville, Noem, Faehn

Excused: Steele

Chairman Faehn rescheduled HB 1055 to February 12, 2010.

HB 1093: revise the open meeting requirement to permit the use of teleconferencing for rule-making and other purposes.

Proponents: Representative Roger Hunt (amendment 1093sb)

MOTION: AMEND HB 1093

1093sb

On page 2 of the printed bill, delete lines 8 to 24, inclusive, and insert "~~1-25. The official meetings of the state, its political subdivisions, and public bodies are open to the public unless a specific law is cited by the state, the political subdivision, or the public body to close the official meeting to the public. A political subdivision or public body includes any association, authority, board, commission, committee, council, task force, school district, county, city, town, township, or other agency of the state vested with the authority to exercise any portion of the state's sovereignty. A political subdivision or public body may be created by statute, is nontaxpaying, or derives a source of revenue from public funds.~~

It is not an official meeting of one political subdivision or public body if its members provide information or attend the official meeting of another political subdivision or public body for which the notice requirements of § 1-25-1.1 have been met.

Any official meeting may be conducted by teleconference as defined in § 1-25-1.2. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference shall be taken by roll call.

When the state, a political subdivision, or a public body conducts an official meeting by teleconference, the state, the political subdivision, or public body shall provide one or more places at which the public may listen to and participate in the teleconference meeting. The requirement to

provide one or more places".

Moved by: Rave
Second by: Noem
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1093 AS AMENDED

Moved by: Rave
Second by: Noem
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch,
Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1144: revise the Human Relations Act to include additional categories of persons.

MOTION: REFER HB 1144 TO HEALTH AND HUMAN SERVICES

Moved by: Noem
Second by: Rausch
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch,
Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1184: revise employee sick leave used for the care of a spouse, child, or parent of the employee if the spouse, child, or parent has a serious health condition.

MOTION: REFER HB 1184 TO HEALTH AND HUMAN SERVICES

Moved by: Noem
Second by: Rausch
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch, Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1245: repeal the death penalty and commute certain death sentences to life imprisonment.

MOTION: REFER HB 1245 TO HEALTH AND HUMAN SERVICES

Moved by: Rave

Second by: Noem

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch, Rave, Turbiville, Noem, Faehn

Excused: Steele

HJR 1001: Proposing and submitting to the electors at the next general election a new section to Article XXI of the Constitution of the State of South Dakota, relating to freedom of choice in health care.

MOTION: REFER HJR 1001 TO HEALTH AND HUMAN SERVICES

Moved by: Turbiville

Second by: Rave

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch, Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1107: require the operation of driver license examination stations in certain locations.

MOTION: REFER HB 1107 TO LOCAL GOVERNMENT

Moved by: Rave
Second by: Rausch
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch,
Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1134: revise the organizational status of the Mike Durfee State Prison.

MOTION: REFER HB 1134 TO LOCAL GOVERNMENT

Moved by: Rave
Second by: Noem
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch,
Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1178: prohibit the use of certain wireless communications devices while driving.

MOTION: REFER HB 1178 TO TRANSPORTATION

Moved by: Noem
Second by: Gosch
Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch,
Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1221: expand the authority of the state auditor and the state treasurer to monitor
public funds in local bank accounts.

MOTION: REFER HB 1221 TO LOCAL GOVERNMENT

Moved by: Rausch

Second by: Rave

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch, Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1169: prohibit businesses and employers from establishing certain policies against the ability of an invitee or employee to store firearms and ammunition in a locked motor vehicle parked on the premises.

MOTION: REFER HB 1169 TO LOCAL GOVERNMENT

Moved by: Noem

Second by: Rave

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch, Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1194: revise certain provisions concerning wind easements and to specify certain information to be included in the recorded documents.

Chairman Faehn rescheduled HB 1194 until February 18, 2010.

HB 1225: provide for a process to limit state government spending.

MOTION: REFER HB 1225 TO APPROPRIATIONS

Moved by: Rausch

Second by: Rave

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch, Rave, Turbiville, Noem, Faehn

Excused: Steele

HJR 1003: Proposing and submitting to the electors at the next general election an amendment to Article XII of the Constitution of the State of South Dakota, relating to the limitation of expenditures for the State of South Dakota.

MOTION: REFER HJR 1003 TO APPROPRIATIONS

Moved by: Rausch

Second by: Noem

Action: Prevailed by roll call vote. (12-0-1-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Hunhoff (Bernie), Lucas, Lust, Rausch, Rave, Turbiville, Noem, Faehn

Excused: Steele

HB 1199: provide for the temporary curtailment of out-of-state legislative travel.

Proponents: Representative Shantel Krebs

Opponents: Ed Olson, self, Mitchell
Senator Jean Hunhoff

MOTION: DO PASS HB 1199

Moved by: Engels

Second by: Lucas

Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1199 TO THE 41ST LEGISLATIVE DAY

Moved by: Rave

Second by: Turbiville

Action: Prevailed by roll call vote. (8-4-1-0)

Voting Yes: Boomgarden, Gosch, Lust, Rausch, Rave, Turbiville, Noem, Faehn

Voting No: Engels, Feinstein, Hunhoff (Bernie), Lucas

Excused: Steele

HB 1200: provide for a temporary decrease in legislative salaries.

Proponents: Representative Shantel Krebs
Senator Julie Bartling

Opponents: Ed Olson, self, Mitchell

MOTION: DO PASS HB 1200

Moved by: Lucas
Second by: Hunhoff (Bernie)
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1200 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville
Second by: Steele
Action: Prevailed by roll call vote. (11-2-0-0)

Voting Yes: Boomgarden, Engels, Feinstein, Gosch, Lust, Rausch, Rave, Steele, Turbiville,
Noem, Faehn

Voting No: Hunhoff (Bernie), Lucas

HB 1233: provide for a temporary reduction of the salaries of legislators and certain
state officers and employees and to declare an emergency.

Proponents: Representative Eldon Nygaard
Opponents: Corey Landeen, SD State Employees Organization
Ed Olson, self, Mitchell

MOTION: DO PASS HB 1233 and refer to Appropriations Committee.

Moved by: Lucas
Second by: Feinstein
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DEFER HB 1233 TO THE 41ST LEGISLATIVE DAY

Moved by: Turbiville

Second by: Noem

Action: Prevailed by roll call vote. (9-4-0-0)

Voting Yes: Boomgarden, Gosch, Lust, Rausch, Rave, Steele, Turbiville, Noem, Faehn

Voting No: Engels, Feinstein, Hunhoff (Bernie), Lucas

MOTION: ADJOURN

Moved by: Noem

Second by: Rausch

Action: Prevailed by voice vote.

Grace Curtis
Committee Secretary

Bob Faehn, Chair